

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACK C. BIERI,

Plaintiff,

v.

W. ANDERSON, et al.,

Defendants.

Case No. 1:20-cv-415

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Scott Holmes, M.D., filed a motion for summary judgment. Defendants C/O Fuller and RUM Anderson also filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on November 16, 2020, recommending that this Court grant the motions, dismiss Plaintiffs' remaining claims, and enter judgment in favor of Defendants. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 31) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motions for Summary Judgment (ECF Nos. 15 and 19) are GRANTED.

**IT IS FURTHER ORDERED** that Plaintiffs' remaining claims are DISMISSED WITHOUT PREJUDICE

**IT IS FURTHER ORDERED** that Defendant Holmes' motion to strike Plaintiff's unauthorized sur-reply (ECF No. 28) is GRANTED.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith because Plaintiff failed to file any objections. See *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: December 17, 2020

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge